

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William Rasenberger	Team: Squad #7	CCRB Case #: 202005923	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/02/2020 8:40 PM	Location of Incident: in front of 1356 Madison Avenue	Precinct: 19	18 Mo. SOL 12/2/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 08/28/2020 4:12 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 08/28/2020 4:12 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Sean Degnan	21693	960005	023 DET
2. SGT Andrew Ghibaudi	02911	949020	023 PCT
3. POM Michael Laborde	05867	954037	023 DET
4. LT Lawrence Wang	00000	948283	023 PCT
5. POM Kwadwo Opokuduro	05915	961037	023 DET
6. DC Kathleen Walsh	00000	924832	CT LMSI

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against § 87(2)(b) [REDACTED].	[REDACTED]
B. Officers	Force: Officers struck § 87(2)(b) [REDACTED] with a nightstick/asp/baton.	[REDACTED]
C. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b) [REDACTED].	[REDACTED]

Case Summary

On August 28th, 2020, the CCRB received the following complaint from § 87(2)(b) [BR 1].

On the evening of June 2nd, 2020, § 87(2)(b) participated in a George Floyd/Black Lives Matter protest march. At about 8:45 p.m., § 87(2)(b) was walking north on Madison Avenue between 95th Street and 96th Street in Manhattan, when an unidentified officer allegedly tackled him to the ground [Allegation A: Force – Physical Force, § 87(2)(g)]. This officer and approximately three other officers then repeatedly struck § 87(2)(b) with batons [Allegation B: Force – Nightstick as club, § 87(2)(g)], while an officer told § 87(2)(b) to put his “fucking hands” behind his back [Allegation C: Discourtesy – Word, § 87(2)(g)]. § 87(2)(b) sustained a head wound that later required thirteen stitches to close. Sergeant Andrew Ghibaudi, Police Officer Sean Degnan, and Police Officer Michael Laborde of the 23rd Precinct anti-crime team transported § 87(2)(b) to the 23rd Precinct stationhouse. He was released with a summons for violating the Mayoral curfew in effect at the time.

The CCRB is in possession of one BWC video of the incident [BR 2].

Findings and Recommendations

Allegation A: Force – An officer used physical force against § 87(2)(b)
Allegation B: Force – Officers struck § 87(2)(b) with nightsticks/asps/batons.
Allegation C: Discourtesy – An officer spoke discourteously to § 87(2)(b).

Known Facts and General Descriptions

On the evening of June 2nd, 2020, § 87(2)(b) participated a Black Lives Matter protest march that began at Bryant Park in midtown Manhattan. The march paused at 95th Street and Madison Avenue. At about 8:45 p.m., thirty minutes after the Mayoral curfew had gone into effect, § 87(2)(b) and other protesters began walking northbound from 95th Street along Madison Avenue. Multiple officers -- including a white male officer, wearing a white shirt, in his thirties or forties, standing 5’7”, with a muscular build -- approached § 87(2)(b). This happened seconds after an unknown female member of service ordered Lt. Michael Wang to start arresting individuals north of 95th Street. It is not known whether the officers that approached § 87(2)(b) were acting on orders from higher-ranking officers.

§ 87(2)(b) backpedaled away from the officers while raising his hands. One of the officers -- whom § 87(2)(b) described as an approximately thirty-year-old black male, standing about 6’2” with a stocky build -- allegedly tackled § 87(2)(b) to the sidewalk. § 87(2)(b) laid down and put his arms behind his back. Though he did not resist, multiple officers struck § 87(2)(b)’s head and other parts of his body with their batons. As a result, § 87(2)(b) sustained a gash on his head that required thirteen stitches to close, as well as bruising on his back and shoulders. Sgt. Ghibaudi, PO Degnan, and PO Laborde subsequently took custody of § 87(2)(b) and brought him to the 23rd Precinct stationhouse. PO Degnan issued a summons to § 87(2)(b) for violating the Mayoral curfew.

Body-worn camera and other footage

The CCRB received fifteen BWC videos for this case across three separate requests [BR 3, 4, 5, and 6]. Only one of these videos -- that recorded by Lieutenant Lawrence Wang of the 23rd

Precinct -- captures the incident. At 01:58 in this video [BR 2], a female officer – who appears to be wearing a white shirt, is heard ordering Lt. Wang to arrest protesters on Madison Avenue north of 95th Street. Lt. Wang then proceeds north along the west sidewalk. At 02:26, he is heard stating “bring him in; bring him in.” An officer at 02:31 is heard stating “get your fucking hands behind your back.” Shortly thereafter, Lt. Wang is heard stating “stop fighting.” § 87(2)(b) cannot be seen, nor is any force captured in the video. At 02:43, Officer Laborde, a tall black male officer, is seen in the background, standing against the wall of a building. PO Degnan and Sgt. Ghibaudi each activated their body-worn cameras after § 87(2)(b) was already in custody. These recordings [BR 7 and 8] capture § 87(2)(b) being transported to the 23rd Precinct and being lodged in a holding cell. A video recorded by another protester, § 87(2)(b) [BR 9], and a video recorded by a filmmaker, § 87(2)(b) [BR 10], also capture § 87(2)(b) after he’s been arrested. Both videos show § 87(2)(b) bleeding significantly from his head.

NYPD Documents Reviewed

The investigation obtained the summons that PO Degnan issued to § 87(2)(b) [BR 11]. The summons narrative states that PO Degnan observed § 87(2)(b) on a public sidewalk in violation of administrative code 3-108 (which prohibits violations of any emergency measures established by the mayor). A Threat, Resistance, and Injury (TRI) report prepared by Sgt. Ghibaudi [BR 12] notes that § 87(2)(b) sustained an injury to the back of his head, and that the cause of the injury was unknown. The member involved is listed as “unknown.” The investigation also reviewed detail rosters for June 2nd, 2020 included in the Office of the Attorney General (OAG) files. There are 75 detail rosters associated with commands in Patrol Borough Manhattan North. Some, but not all, of the rosters provide locations of deployment. None of the rosters list 95th or 96th Street and Madison Avenue, or anywhere within a twenty block radius of these intersections. BWC receipts and summonses issued at the approximate time and place of occurrence indicate that, at a minimum, officers from the 7th, 9th, 19th, 23rd, 52nd, and Central Park Precincts were involved in policing the protest in which § 87(2)(b) participated.

Concurrent Investigations

The IAB/CCRB Liaison unit confirmed that there are no active IAB investigations into this incident.

Ranking Officers

The highest-ranking officer on scene that the investigation was able to identify is Deputy Chief (then Inspector) Kathleen Walsh of the 19th Precinct. During her interview, DC Walsh stated that she did not know whether she was the highest-ranking officer on scene. Because this was a fast-moving event that traveled throughout Manhattan, there is no documentation identifying any other higher ranking officers on scene.

Officers Interviewed

The following members of service were interviewed for this case: Deputy Chief Walsh of the Lower Manhattan Security Initiative (Inspector Walsh of the 19th Precinct at the time of the incident), Lieutenant Wang, Sergeant Ghibaudi, Police Officer Degnan, Police Officer Michael Laborde, and Police Officer Kwadwo Opokaduro, all of the 23rd Precinct, as well as Detective Sebastian Chicotky of Detective Bureau – Special Victims Division. Lt. Wang testified during his interview [BR 13] that he became involved in policing the protest when he observed protesters on Madison Avenue approaching 96th Street, the southern border of the 23rd Precinct. Shortly after Lt.

Wang arrived at the scene, a female white-shirted member, whom Lt. Wang was unable to identify or describe, ordered him to arrest civilians north of 95th Street. Lt. Wang could not say whether this officer issued instructions to other officers.

Lt. Wang then began walking north from 95th street on the west sidewalk of Madison Avenue. Protesters ran from him and other officers. As he neared 96th Street, he saw multiple officers arresting § 87(2)(b). He had not seen § 87(2)(b) before this point. He instructed the officers, none of whom he recognized, to handcuff § 87(2)(b). He stated that he did not recall any officers using force against § 87(2)(b). He was unable to describe any other details of the arrest. Sgt. Ghibaudi, PO Degnan, and PO Laborde were all consistent during their interviews [BR 14, 15 and 16] that they responded to Madison Avenue between 95th Street and 96th Street after hearing a radio transmission that protesters were marching on Madison Avenue toward the border of the 23rd Precinct. They were also consistent that they walked to the scene of § 87(2)(b)'s arrest when they observed a commotion in that area and simultaneously heard an officer transmit a 10-13 or 10-85 (call for additional units) over the radio. PO Degnan stated that as he approached the scene of the arrest, he observed officers – none of whom he recognized -- striking § 87(2)(b) with their batons. PO Degnan could not recall what § 87(2)(b) was doing as the officers struck him. PO Laborde and Sgt. Ghibaudi denied that they saw officers use force against § 87(2)(b) and stated that they could not identify any of the officers involved in § 87(2)(b)'s arrest. Sgt. Ghibaudi, PO Degnan, and PO Laborde could not recall whether they all arrived at the scene of the arrest at the same time.

During his interview [BR 17], PO Opokoduro acknowledged seeing himself at 02:58 in Lt. Wang's BWC video, at which point § 87(2)(b) is still being, or has just been, handcuffed. However, PO Opokoduro stated he had no recollection of § 87(2)(b)'s arrest. A BWC video that Lt. Wang recorded about two minutes before the incident [BR 18], at 01:13, captures a member of service whose riot helmet is emblazoned with the shield number 7539. This shield number belongs to Detective Chicotky of the Detective Bureau – Special Victims Division. Detective Chicotky denied during his CCRB interview [BR 19] that he was on scene. He was conducting an investigation in Brooklyn on June 2nd, he stated, and never travelled into Manhattan. § 87(2)(g)

Deputy Chief Walsh acknowledged during her interview [BR 20] that she was on the scene of the protest. She could not recall any details of the protest, though, or describe her involvement. She was presented with the portion of Lt. Wang's BWC video in which a female white-shirt member orders Lt. Wang to make arrests. DC Walsh stated that this member's voice did not sound like her own, and that she had no recollection of ordering any arrests. She denied having a recollection of any particular arrests made while she was on scene. She did not see any officers strike a protester with their batons.

Allegation Recitation and Disposition

On June 2nd, 2021, at about 8:45 p.m., an officer tackled § 87(2)(b) to the ground. This officer and approximately three others then struck § 87(2)(b) with their batons, causing a laceration to § 87(2)(b)'s head. None of the officers interviewed for this case identified the officers that initially took § 87(2)(b) into custody and used force against him. The only video of the incident, Lt. Wang's BWC video, does not capture the officers involved in handcuffing § 87(2)(b). As well, there are no detail rosters or other documentation related to the protest in which § 87(2)(b) participated. § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) is the subject of two other CCRB complaints [BR 21].

- § 87(2)(b)

- § 87(2)(b), § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a claim of \$1,000,100 (one million one thousand dollars) in damages related to the incident [BR 22]
- § 87(2)(b) has not been convicted of any crimes in New York City, according to the New York City Office of Court Administration [BR 23].

Squad: _____7_____

Investigator: _____ _Inv. Will Rasenberger_____ _10/25/2021____
Signature Print Title & Name Date

Squad Leader: _____ Manager Vanessa Rosen November 1, 2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date